

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Damian Fiolka et al.                      Art Unit : 2872  
Serial No. : 10/580,698                              Examiner : Jade R. Callaway  
Filed : November 29, 2006                      Conf. No. : 5439  
Title : POLARIZATION-MODULATING OPTICAL ELEMENT

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants enclose a copy of the Chinese Office Action, with English Translation, for the corresponding CN Application No. 20058000022419, dated April 10, 2009.

This statement is being filed after a first Office action on the merits, but before receipt of a final Office action or a Notice of Allowance. The fee in the amount of \$180 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.

Apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: June 8, 2009

/Sean P. Daley/

Sean P. Daley  
Reg. No. 40,978

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (877) 769-7945

22208003.doc

**CERTIFICATE OF MAILING BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: June 08, 2009

## TEXT OF THE THIRD OFFICE ACTION

Application No.: 2005800022419

The applicant submitted the Observations and the application documents after amendment on February 20, 2009. After reading the above documents, the examiner resumes the examination on the present case and provides the opinions as follows:

1. Claim 1 contains a generic concept "a thickness profile is variable", which summarizes a wide protection scope. The polarization-modulating optical element has a thickness profile which is variable, i.e., if only the thickness of the polarization-modulating optical element is not only and unchangeable, the thickness of it is changeable. But the description only gives that at a distance  $r$  to the optical axis, the azimuth sectional surface within the ranges of different azimuth angles, the section has a certain inclination which satisfies some expression formula. According to the disclosure of the present application document, it is difficult for those skilled in the art to predict that all the ways other than the way disclosed in the description in the present application summarized by the generic concept can solve its technical problem, and achieve the same technical effect, (such as at a distance  $r$  to the optical axis, in the ranges of different azimuth angles, the azimuth section has a wave-shape outline, and its thickness is also changeable). Therefore, this kind of summarization goes beyond the scope disclosed by the description, and thus the claim is not based on the description, and does not comply with Article 26, paragraph 4, of the Patent Law of China.

2. The expression formula  $|m|$  in Claims 8, 10 and 12 contains " $\Pi$ ", but the meaning represented by it has not been given, which makes the protection scope of the claim cannot be determined, and does not comply with Rule 20, paragraph 1, of the Implementing Regulations of the Patent Law of China (refer to Section 3.2.2 Chapter 2 Part II in the Guidelines for Patent Examination). The applicant shall make a further expression on it. The applicant should note that the expression should have the disclosure in the original application.

3. Claim 28 defines a method of manufacturing micro-structure semiconductor components, but the claim only comprises a step of using a projection system, but the projection system refers to any on the projection system, but has not related to the procedure, process and step of manufacturing a semiconductor member. It is seen that, the subject type sought for protection and the protection scope expressed is not clear, and does not comply with Rule 20, paragraph 1, of the Implementing Regulations of the Patent Law of China (refer to Sections 3.1.1 and 3.2.2 Chapter 2 Part II in the Guidelines for Patent Examination).

4. Reminding, Claim 16 should be written in a separate paragraph, and should not be written following Claim 15.

The applicant should make a response within the designated time limit, and explain all of the problems raised in the office action one by one and make amendment to the application document when necessary. Otherwise, it will be difficult for the present application to be granted. Any amendment to be made shall not go beyond the scope of the original description and claims so as to comply with the provision of Article 33 of the Patent Law of China.

---

Examiner: Yu Zijiang

Code: 983G